

House File 2310 - Introduced

HOUSE FILE 2310

BY BEARINGER

A BILL FOR

1 An Act providing that a child who is twelve years of age or
2 older, who is truant, and who refuses to engage in mediation
3 or who violates a mediation agreement commits a delinquent
4 act.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 232.2, subsection 12, Code 2014, is
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. *d.* The violation of a mediation agreement
4 or refusal to participate in mediation under section 299.5A is
5 committed by a child twelve years of age or older.

6 Sec. 2. Section 232.22, subsection 8, Code 2014, is amended
7 to read as follows:

8 8. Notwithstanding any other provision of the Code to
9 the contrary, a child shall not be placed in detention for a
10 violation of section 123.47 or 299.6, or for failure to comply
11 with a dispositional order which provides for performance of
12 community service for a violation of section 123.47 or 299.6.

13 Sec. 3. Section 299.5A, unnumbered paragraph 4, Code 2014,
14 is amended to read as follows:

15 The school district shall be responsible for monitoring
16 any agreements arrived at through mediation. If a parent,
17 guardian, or legal or actual custodian, or the child if the
18 child is twelve years of age or older, refuses to engage in
19 mediation or violates a term of the agreement, the matter
20 shall be rereferred to the county attorney for prosecution
21 under section 299.6. The county attorney's office or the
22 mediation service shall require the parent, guardian, or legal
23 or actual custodian and the school to pay a fee to help defray
24 the administrative cost of mediation services. The county
25 attorney's office or the mediation service shall establish
26 a sliding scale of fees to be charged parents, guardians,
27 and legal or actual custodians based upon ability to pay. A
28 parent, guardian, or legal or actual custodian shall not be
29 denied the services of a mediator solely because of inability
30 to pay the fee.

31 Sec. 4. Section 299.6, subsection 1, unnumbered paragraph
32 1, Code 2014, is amended to read as follows:

33 Any person who violates a mediation agreement under section
34 299.5A, who is referred for prosecution under section 299.5A
35 and is convicted of a violation of any of the provisions

1 of sections 299.1 through 299.5, who violates any of the
2 provisions of sections 299.1 through 299.5, or who refuses
3 to participate in mediation under section 299.5A, commits
4 a public offense. If a child twelve years of age or older
5 violates a mediation agreement under section 299.5A, or refuses
6 to participate in mediation under section 299.5A, the child
7 commits a delinquent act under chapter 232. The child may
8 be placed in detention under chapter 232 for a violation of
9 section 299.5A for not more than forty-eight hours.

10

EXPLANATION

11 The inclusion of this explanation does not constitute agreement with
12 the explanation's substance by the members of the general assembly.

13 This bill provides that a child who is 12 years of age or
14 older, truant, and refuses to engage in mediation or violates
15 a truancy mediation agreement, commits a delinquent act under
16 Code chapter 232. The child may be placed in detention for not
17 more than 48 hours for such delinquent act.